

Port Sheldon Township Planning Commission
April 25, 2018

Vice Chair DeLeeuw called the meeting to order at 6:00 p.m.

PRESENT: DeLeeuw, Monhollon, Petroelje, Stump, Timmer, Van Ginhoven

ABSENT: Van Malsen

STAFF: Davis, Moore

Motion by Van Ginhoven to approve the minutes of the March 28, 2018 meeting supported by Monhollon and carried.

NEW BUSINESS:

1. Application from Bobby Forrest, agent for owner, Sandy Point Beach House Real Estate LLC for Site Plan Review to move the dumpster location on parcel 70-11-21-200-033 at 7175 Lakeshore. Applicant stated that the location of the dumpster currently is in the way of delivery truck and proposes 2 dumpsters, completely enclosed on all sides with a fence; this location is not close to a neighboring house. **Motion by Van Ginhoven to approve the plan with the condition that a 6 foot solid fence be constructed around the dumpster location, supported by Monhollon and carried.**

PUBLIC HEARINGS:

Application from Dane and Megan Welchko for Special Use to operate a kennel on parcel 70-11-35-300-070, 5045 Sand Drive. DeLeeuw opened the public hearing, reading the ordinance definition of "kennel". Applicant Welchko explained their business and stated they want to have a Kennel license from Ottawa County which requires zoning approval from the township. Welchkos want a maximum of 10 dogs; they are inside the home at night. They stated they have 1500 clients; they also go to the clients homes to care for dogs. On average they have 4 dogs per day at this property, 7 days per week, typically from 7-8 a.m. to 5-6 p.m., though at times as early as 6:30 a.m. and 10:30 p.m. Welchko stated that traffic should not be a concern. The dogs are 100% supervised at all times. There is a fenced area for dogs to run; all waste is cleaned up immediately, stored for trash collection. The dogs are "vetted"; Welchkos meet the dog and family and require the dog's health records. If dogs are not licensed, have no veterinary records and/or show aggression they are not accepted.

Petroelje commented that he once lived near a kennel and the barking was continuous, he asked applicants how they would prevent this. Welchko answered that he does not want to hear barking and they would control as much as possible.

Stump read a letter of concern from Ryan and Kristen Kragt. Petroelje read the rules for speaking at a public hearing.

DeLeeuw opened the floor for public comments.

Steve Essenburg: Neighbors say the business has been in operation since August last year. He is worried about noise, feces, and dogs getting loose. He stated that a realtor said that property values will drop 10% because no one wants to live by a kennel. He also stated they have more than 4 dogs and that they have gotten loose before.

Gary Aalderink: Agrees with Essenburg, does not want more dogs or outside kennels.

Ed Ryzenga: likes peace and quiet, does not want property to devalue. Asked if kennel permit will limit to 4 dogs.

Ryan and Kristen Kragt: asked about the Welchkos having 1500 clients and how many dogs that would be. They are concerned about dogs, stated that everyone in the neighborhood has dogs and if one barks they all bark. Kragts take their dogs inside if they bark.

Jeff Macqueen: Lives south of applicant; wants to sell his house and is concerned about noise, odor, possible expansion and the impact on selling his house.

Gary Prins: Same concerns as others and questioned if this is allowed, how it would be controlled. He is also concerned about pit bulls or other aggressive breeds in neighborhood.

Mark Slagh: concerned about noise and possible expansion.

Tom Weaver: concerned about the number of dogs; kids are outside, noise, feces, non-stop barking. Found it concerning to hear there could be property value issues.

DeLeeuw closed public hearing.

Commissioners discussed. Moore summarized: this is not a typical kennel with cages/crates; the Commission can limit the number of dogs, prohibit dogs outside overnight, and require fence height. Noise is difficult; the township has a noise ordinance, the applicant would have to comply with it but it can be difficult to enforce. Commission can set conditions such as if excessive barking complaints are made approval could be revoked after asking applicant to address the complaints. The current ordinance has no specific standards for dealing with kennels. The new ordinance being reviewed has kennel standards and Moore read them to the commission. The applicant would comply with #1, 2, and 3 of the new ordinance. They may be too close to an adjacent dwelling and property lines. The new ordinance is not approved or in effect, but will be in the near future. Moore suggested the commission try to adhere to the new ordinance so if the request is approved it will be in compliance with the new ordinance. Moore reviewed the Special Use standards, under which Kennels could be approved. Concerns are valid, but it is impossible to require "there shall be no noise". What is reasonable and acceptable? Moore reminded Commission that a condition of approval can state that if there are problems the approval can be revoked, or that tighter restrictions can be imposed, etc.

Petroelje asked about conditions and noted that a special use stays with property. He asked if someone else buys the house can they operate a kennel. Moore responded that new buyer would be subject to the same restrictions as the current one, and that if the new owner did not exercise the special land use approval within one year, it would be considered null and void.

Welchko stated he has had no complaints, that his business is quiet, clean and not a nuisance to the neighborhood. He has cameras on his property with sound and will address complaints if they are made.

Davis stated that Essenburg made a complaint about the applicants burning and noise.

Petroelje was concerned that if it is complaint driven, people could make phony complaints to try and get the use revoked. Moore stated that Davis is good at determining whether there is a legitimate complaint and the Township can exercise its best judgement in determining what is valid and what is not.

Van Ginhoven asked if this is not approved how many dogs are allowed. Moore responded 3.

Welchko stated that the dogs are 100% supervised, and have only been kept overnight in the barn if they are cleaning the house late in the day.

There were additional questions from the public, so DeLeeuw reopened the floor for public comments:

Essenburg asked the applicant if he knew he was going to run a business why did he buy residential property instead of commercial.

Ryan Kragt said Welchkos moved to the neighborhood last August; he has not had to open the windows at night yet to hear if the dogs bark.

Jeff Macqueen stated that he is concerned about trying to sell his house next to a kennel.

Van Ginhoven stated this is not a commercial site and he is concerned about allowing 10 dogs when he can have three dogs now without restriction.

Petroelje does not mind 4 or 5 dogs if owners can prove noise level is ok but has concerns about 10 dogs.

Timmer also concerned about number of dogs.

De Leeuw stated that conditional approval with review in one year is a good idea.

Moore provided a report with several possible conditions of approval. Each were reviewed and discussed with commissioners.

Van Ginhoven is concerned about allowing a Kennel in general. Does it make sense when neighbors are universally opposed to it?

Petroelje thinks 4 or 5 dogs is reasonable, Timmer also.

Commissioners also discussed at length noise, hours of operation and outdoor activity.

Van Ginhoven stated that the applicants have been running the kennel business since last August; according to neighbors it's not working.

Moore reviewed the conditions again, adding a conditional approval with review in a year and a limit of 5 dogs. If there are problems the township and commission will hear about it before one year. Noise can be addressed at any time.

Motion by DeLeeuw to approve the request with 11 conditions as follows:

- 1. Prior to issuance of any Township permits, the applicant shall have paid all application, permit, and other fees related to the request.**
- 2. No dogs shall be left outside unattended.**
- 3. No more than 5 animals shall be accepted on the property at one time.**
- 4. There shall be no employees (other than the owner/occupants) on the property at any one time.**

5. The applicant shall take all reasonable steps to maintain the property in a manner consistent with its rural/residential surroundings, including, but not limited to, minimizing noise from barking dogs.
6. Animal waste shall be disposed of daily and shall otherwise be maintained so as not to become a nuisance.
7. All animals accepted for care shall be licensed and be up-to-date on required vaccinations.
8. Only normally domesticated household/container animals shall be received for care. Exotic animals and livestock are prohibited.
9. All outside dog runs and activity areas shall be enclosed by a fence at least 4' in height or sufficiently tall to contain all animals accepted for care on site, whichever is greater. Such fence shall be locked at all times except for normal ingress/egress during regular hours of operation.
10. Special land use approval is valid until the April 2019 meeting, at which point the applicant must return for a review and possible renewal of the special land use permit.
11. No animals shall be kept outside overnight.

Motion was supported by Petroelje. Roll call vote: DeLeeuw, Monhollon, Petroelje and Stump voting YES; Timmer and Van Ginhoven voting NO. Motion carried 4-2.

ZONING ADMINISTRATOR UPDATES: Davis informed the commission that he and Moore were continuing to work on a couple adjustments to the zoning ordinance, which should be resolved soon.

DeLeeuw adjourned the meeting at 7:34 PM.



Lori Stump, Secretary